

LIBELED: 9-10-63, Dist. Colo.

CHARGE: 402(a)(3)—contained insects when shipped and while held for sale.

DISPOSITION: 10-29-63. Default—delivered to a public institution for use as animal feed.

29320. Spaghetтини, vermicelli, and spaghetti. (F.D.C. No. 49319. S. Nos. 23-131/33 X.)

QUANTITY: 41 20-lb. cases of spaghetтини, 49 20-lb. cases of vermicelli, and 24 20-lb. cases of spaghetti, at Colorado Springs, Colo.

SHIPPED: 8-22-63, from St. Louis, Mo., by Ravarino & Freschi, Inc.

LABEL IN PART: "La Terinese Enriched Spaghetтини [or "Vermicelli" or "Spaghetti"], * * * A Product of Ravarino and Frechi, Inc., St. Louis, Mo."

LIBELED: 9-17-63, Dist. Colo.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 11-5-63. Default—delivered to a public institution for use as animal feed.

29321. Spaghetti (2 seizure actions). (F.D.C. Nos. 46146; 46839. S. Nos. 61-935 R; 35-278 T.)

QUANTITY: 248 cases, each containing 24 7-oz. pkgs. of spaghetti, at Des Moines, Iowa; and 30 cases, each containing 48 7-oz. pkgs. of elbow spaghetti, at Fargo, N. Dak.

SHIPPED: Between 4-5-61 and 9-26-61, from Minneapolis, Minn., by Creamette Co.

LABEL IN PART: (Pkg.) "Thin Spaghetti Italian Style Creamette Brand," and "Mother's Brand Elbow Spaghetti * * * The Creamette Co., Minneapolis, Minnesota."

RESULTS OF INVESTIGATION: The manufacturer's name and address (both lots) and the quantity of contents statements (N. Dak. lot) were inconspicuous due to being printed in black ink on a noncontrasting background of dark green.

LIBELED: 7-28-61, S. Dist. Iowa; 12-8-61, Dist. N. Dak., amended libel 9-17-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e)(1) and (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of contents was not prominently placed thereon, with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: On 8-21-61 and on 2-9-62, the articles having been claimed by the Creamette Co., the actions in S. Dist. Iowa and Dist. N. Dak., respectively, were transferred upon stipulation of the parties to Dist. Minn. for further proceedings. Subsequently, the claimant filed interrogatories which were answered by the Government. On 1-7-63, the claimant having withdrawn its answers, decrees of condemnation were entered and the articles were destroyed.